



*State of New Jersey*

**DEPARTMENT OF HEALTH AND SENIOR SERVICES**

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JAMES E. MCGREEVEY  
*Governor*

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CLIFTON R. LACY, M.D.  
*Commissioner*

**ORDER OF THE NEW JERSEY COMMISSIONER OF HEALTH AND SENIOR SERVICES CONCERNING THE DISTRIBUTION OF INFLUENZA VACCINE**

WHEREAS, on October 5, 2004, the New Jersey Department of Health and Senior Services received notice from the Centers for Disease Control and Prevention (CDC) that none of Chiron Corporation's influenza vaccine would be available for distribution in the United States for the 2004-05 influenza season; and

WHEREAS, this will reduce by approximately one half the expected supply of trivalent inactivated vaccine (flu shot) available in the United States for the 2004-05 influenza season; and

WHEREAS, it is essential that people at highest risk of influenza related health complications are protected during this time of limited flu vaccine supply; and

WHEREAS, N.J.S.A. 26:1A-1 et seq. and P.L. 2004, c. 153 authorizes the Commissioner of Health and Senior Services to fulfill the duties prescribed in the law relating to the health of the people of the State; and

WHEREAS, the Commissioner of Health and Senior Services is authorized to issue an Order to implement an Influenza Vaccine Reallocation Plan:

THEREFORE IT IS HEREBY ORDERED PURSUANT TO P.L. 2004, c.153 THAT:

To protect the public health during the 2004-2005 influenza vaccine shortage, the Commissioner of Health and Senior Services hereby issues this Order implementing the Influenza Vaccine Reallocation Plan ("Plan") and requires all physicians, nurses, healthcare facilities, pharmacies and others that dispense vaccine to provide information as requested by the Commissioner of Health and Senior Services and to comply with the Plan.

A person who willfully or knowingly violates the provisions of this Order shall be liable for a civil penalty of \$500 for each violation.

The Plan as attached and its subsequent modifications are incorporated into this Order and shall be enforceable hereunder.

The Order shall take effect immediately and remain in effect until modified by further order or when P.L. 2004, c.153 expires on May 31, 2005.

DATED: October 29, 2004

s/Clifton R. Lacy, M.D.  
Commissioner

New Jersey Department of Health and Senior Services

Influenza Vaccine Reallocation Plan

1) All physicians, nurses, healthcare facilities, pharmacies and others that dispense vaccine shall limit the administration of influenza vaccine only to persons in the priority groups listed below:

- a) children aged 6–23 months;
- b) adults aged 65 years and older;
- c) persons aged 2–64 years with underlying chronic medical conditions;
- d) women who will be pregnant during the influenza season;
- e) residents of nursing homes and long-term care facilities;
- f) children aged 6 months–18 years on chronic aspirin therapy;
- g) health-care workers involved in direct patient care; and
- h) out-of-home caregivers and household contacts of children aged <6 months.

2) As of the date of this Order, the New Jersey Department of Health and Senior Services shall not reallocate any influenza vaccine held by any entity in the State.

3) All physicians, nurses, health care facilities, pharmacies and others that dispense vaccines shall post this Order and Plan in locations where influenza vaccine is administered.

4) This Plan shall take effect immediately and remain in effect until modification by further action by the Commissioner of the New Jersey Department of Health and Senior Services or upon expiration of P.L. 2004, C. 153 on May 31, 2005.